IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR.

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JUDGMENT

Shambhoo Lal
vs.
Panraj

S.B.CIVIL SECOND APPEAL NO.198/2006 UNDER SECTION 100 CPC AGAINST THE JUDGMENT AND DECREE DATED 20.3.2006 PASSED BY SHRI YASHPAL SINGH CHOUDHARY, ADDITIONAL DISTRICT JUDGE NO.2, JODHPUR IN CIVIL APPEAL DECREE NO.52/2005.

DATE OF JUDGMENT ::: 26.5.2006

PRESENT

HON'BLE MR. PRAKASH TATIA, J.

Mr. A Patel, for the appellant.

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BY THE COURT:

Heard learned counsel for the appellant.

According to learned counsel for the appellant, the appellant/tenant entered into agreement to purchase the rented premises from his previous landlord and, therefore, the relationship of landlord and tenant came to an end on entering into agreement to purchase the property. It is submitted that the said plea of the appellant taken in the written statement cannot be considered as denial of title

or renunciation of character of tenant. It is also submitted that even if said plea is taken to be a plea of denial of title or renunciation of character of tenant, then that was with respect to previous landlord and not a denial of title or renunciation of character with respect to subsequent purchaser.

It appears from the facts of the case that the original landlord might have entered into the agreement of sale of property with the defendant tenant and for which the suit for specific performance filed by the appellant/defendant may be pending but it is settled law that by agreement to sale, no right, title or interest is created in the property. The tenant does not loose his status as of tenant merely because of entering into agreement of sale with the landlord. Subsequent purchaser – present plaintiff steps into the shoes of the original landlord by virtue of sale deed executed by the original landlord, therefore, denial of title of original landlord can also be a valid ground of eviction of tenant in the hands of subsequent purchaser where the previous landlord as well as subsequent landlord has not condoned the act of the tenant.

In view of the above, I do not find that any substantial question of law arises in this appeal. Accordingly, this appeal, having no merit, is hereby dismissed.

(PRAKASH TATIA), J.

S.Phophaliya